

**U.S. Senator Charles E. Schumer**  
**U. S. Senate Committee on Rules Administration Hearing**  
**“Corporate America vs. The Voter: Examining the Supreme Court’s Decision**  
**to Allow Unlimited Corporate Spending in Elections”**  
**February 2, 2010**

Good Morning.

I would like to thank my friend, Ranking Member Bennett, for joining me at this hearing so quickly after the important Supreme Court ruling on January 21<sup>st</sup> in the case of *Citizens United v. FEC*. Since the Court decision was handed down, most of us here in this room, including myself, have been examining carefully its implications. And today, we’re here to further examine its implications and listen to our distinguish panels.

Put bluntly, I believe that the Supreme Court’s opinion in *Citizens United* is corrosive to our democracy. And I believe that the title of our hearing, “Corporate America vs. the Voter,” accurately describes the immediate ramifications of this decision. And, while this is the first Congressional hearing to be held in response to this ruling, it is certainly not going to be the last, as other Committees have already announced plans for their own hearings.

Furthermore, concern over this decision is not confined to Members of Congress. Last week, President Obama voiced his concerns about the impact of the ruling in his State of the Union address. It is rare, in fact, for a Supreme Court opinion to attract so much attention from all parts of the country.

The changes that are likely to result from the *Citizens United* case have the potential to be disastrous to the health of our democracy, inviting unprecedented spending and influence by wealthy special interests. The ruling encourages them to get involved in races large and small; in primaries and general elections and run-offs; and in federal, state, and local contests.

So get ready. If this ruling is left unchallenged, if Congress fails to act, our country will be faced with big, moneyed interests spending, or threatening to spend, millions on ads against those who dare to stand up to them. The threat alone is enough to chill debate and distort the political process in ways that hurt the voice and influence of the average citizen.

Stopping those big bonuses by bailed out firms? Forget about it. Pushing back against polluters to protect the health of our children? No more. Regulating dangerous chemicals in drugs and children’s toys? Much less of a chance.

This opinion can allow foreign interests to influence our elections, special interest spending to go unchecked and undisclosed, and corporate America to rule the day. But it doesn’t have to be this way.

I believe that the Supreme Court took a torturous path to expand the *Citizens United* case. It chose to review, and then strike down, the earlier *Austin v. Michigan Chamber of*

*Commerce* decision, and to overturn more than a century of campaign spending policy stretching back to the Tilman Act of 1907.

The Supreme Court turned its back on previous rulings and went out of its way to broaden its decision in service to a particular policy goal. That should make all of us – regardless of where we are on the political spectrum – deeply concerned, and determined to act. The Roberts Court has turned its back on *stare decisis*, simply because five Justices didn't like the way previous opinions went.

I look forward to listening to all of our witnesses who have come to share their views at this hearing. And I'm not here to prejudge the best way going forward. We're going to listen to what our panel of experts has to say, and also what my Colleagues, Senators Feingold and Kerry believe. While Congressman Chris Van Hollen and I will be introducing a bill shortly, I'm here to listen to ideas and the sharp analysis that will be presented.

And before we get to our distinguished first panel, I know my good friend and colleague, Ranking Member Bennett, would like to say a few words.